

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYNCPOINT IMAGING, LLC,)
Plaintiff,)
v.) CIVIL ACTION NO. 2:15-CV-00247-
NINTENDO OF AMERICA INC. et al.) JRG-RSP
Defendants.)

**DECLARATION OF PATRICIA L. PEDEN IN SUPPORT OF DEFENDANT PIXART
IMAGING INC.'S RESPONSE TO SYNCPOINT'S MOTION TO STAY**

I, Patricia L. Peden, declare as follows:

1. I am a counsel of record for behalf of PixArt Imaging Inc. ("PixArt") in the above-referenced matter. I submit this declaration in support of the Response to SyncPoint's Motion to Stay. Unless otherwise indicated, I have personal knowledge of the facts set forth in this affidavit and, if called as a witness, could and would competently testify to them.
2. Attached hereto as Exhibit A is a true and correct copy of the United States Trademark Office's (USPTO) Office Action dated May 13, 2015.
3. Attached hereto as Exhibit B is a true and correct copy of the USPTO's Order instituting IPR, dated December 16, 2015
4. Attached hereto as Exhibit C is a true and correct copy of the Expert Report of Samuel H. Russ Regarding Infringement of U.S. Patent No. 6,275,214 dated December 17, 2015, filed under seal.
5. Attached hereto as Exhibit D is a true and correct copy of excerpts from SyncPoint's Second Supplemental Objections and Responses to Defendants' Interrogatories (Nos. 1-9), dated November 11, 2015.

I do solemnly declare and affirm that under penalty of perjury of the laws of the United States of America that the contents of this affidavit are true to the best of my knowledge, information and belief.

Executed this 5th day of January, 2016.

/s/ Patricia L. Peden
Patricia L. Peden